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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,126	10/17/2001	Thomas E. Isaman	15870-117	9342

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Alan Kamrath
RIDER BENNETT EGAN & ARUNDEL, LLP
Suite 2000
333 South Seventh Street
Minneapolis, MN 55402

EXAMINER

NOVOSAD, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/982,126

Applicant(s)

ISAMAN ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-18, 26-30 and 32 is/are allowed.
- 6) ☒ Claim(s) 1-6, 22-24 and 31 is/are rejected.
- 7) ☒ Claim(s) 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) (3 sheets).
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948).
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 (2 sheets).
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152).
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 19-21 have been canceled.

Election/Restrictions

The Restriction Requirement dated December 24, 2002 (Paper No. 5) is withdrawn in view of Applicants' Remarks in the Amendment filed January 16, 2003 (Paper No. 6) and in view of the linking claim 32 added by the Amendment filed January 16, 2003 (Paper No. 6).

Information Disclosure Statement

The information disclosure statement filed January 8, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. Specifically, there is no concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of the French '189 reference which is not in the English language.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 22, 23 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 22, line 4, the recitation "the opening" lacks proper antecedent basis.

In claim 31, line 8, the recitation "the working position" lacks proper antecedent basis.

In claim 31, lines 10 and 11, the recitation "the storage position" lacks proper antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lee '712.

Lee shows a shaft 14 (Fig. 3) rotatable about an axis (unnumbered) and engaging the outer periphery (unnumbered) of a wheel 16 (Fig. 3), a friction enhancer comprising a tubular member (sleeve 68 - Fig. 3 and col. 3, lines 57 and 58) adapted to be removably and slideably received on the shaft 14 parallel to the axis (unnumbered), with the tubular member 68 including an outer periphery 72 having noncircular cross sections perpendicular to the axis (unnumbered), with the tubular member 68 adapted to be prevented from rotating relative to the shaft (note col. 3, lines 58 and 59 wherein sleeve 68 is rigidly fixed to shaft 14).

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Piaget *et al.*

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Note U-shaped handlebar 28 and control 72.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Hillard *et al.*

Note U-shaped handlebar 62 and control 66 or 166.

Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by Laditka.

Note U-shaped handlebar 528 and control 588',756,648',762,722,648,588,536 (Figs. 7 and 8) or U-shaped handlebar 1014 and control 1080,1084 (Figs. 15 and 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '712 in view of Macaluso.

Lee '712 shows the device as noted, including a wheel 16.

Claim 2 distinguishes over Lee '712 in requiring the wheel to be a pneumatic wheel.

Note the title and col. 3, line 10 disclosing the pneumatic wheel 18 (note Fig. 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a pneumatic wheel as disclosed in Macaluso in place of the wheel 16 of Lee for greater stability.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '712 in view of Macaluso as applied to claim 2 above, and further in view of Smith *et al.* '064.

Lee '712 shows the device as noted, including an outer periphery 72 having noncircular cross sections perpendicular to the axis (unnumbered).

Claim 3 distinguishes over Lee '712 in requiring the outer periphery to have square cross sections perpendicular to the axis.

Smith *et al.* '064 show an outer periphery (unnumbered of 83,84, Figs. 5 and 6) having square cross sections (Fig. 6) perpendicular to the axis (unnumbered).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized square cross sections for the outer periphery 72 of the tubular member 68 of Lee '712 in place of the non-square cross sections of the outer periphery 72 of the tubular member for economy in manufacture.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '712 in view of Macaluso further in view of Smith *et al.* '064 as applied to claim 3 above, and further in view of Baxter *et al.* '640.

Lee '712 shows the device as noted.

Claim 4 distinguishes over Lee '712 in requiring (1) the tubular member to be in the form of square stock and (2) the tubular member to be cut and drilled.

With respect to (1), Smith *et al.* show a tubular member 83,84 (Figs. 5 and 6) being of square stock (Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized square stock for the tubular member 68 of Lee '712 in place of the non-square tubular member for economy in manufacture.

Regarding (2), Baxter *et al.* '640 disclose a tube 293 that is cut (col. 12, lines 15 and 16) and drilled (col. 12, lines 18 and 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a tubular member 68 of Lee '712 that is cut and drilled as disclosed in Baxter *et al.* '640 for economy in manufacture.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '712 in view of Macaluso further in view of Smith *et al.* '64 further in view of Baxter *et al.* '640 as applied to claim 4 above, and further in view of Vangsgard '270.

Lee '712 shows the device as noted, including a tubular member 68, a shaft 14 and an axis (unnumbered).

Claim 5 distinguishes over Lee '712 in requiring a spring pin to extend through the tubular member and the shaft at a nonparallel angle to the axis.

Vangsgard '270 shows a spring pin 104 (Fig. 6; col. 5, line 22) extending through a tubular member 98 (Fig. 6) and a shaft 42a,42b (Fig. 6) at a nonparallel angle to the axis (unnumbered).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a spring pin as shown in Vangsgard '270 through the tubular member 68 and shaft 14 of Lee '712 for a more secure joint.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee '712 in view of Macaluso and further in view of Smith *et al.* '064 as applied to claim 3 above, and further in view of Emoto.

Lee '712 shows the device as noted, including a wheel 16 and a shaft 14.

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Claim 6 distinguishes over Lee '712 in requiring the wheel to be pivotably mounted to a frame parallel to and spaced from the axis of the shaft and a rotational axis of the wheel.

Emoto shows a wheel 74 (Figs. 3-5) that is pivotably mounted to a frame 54 parallel to and spaced from the axis of the shaft 76 and a rotational axis (unnumbered) of the wheel 74.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have mounted the wheel 16 of Lee '712 to a frame parallel to and spaced from the axis of the shaft 14 and the rotational axis (unnumbered) of the wheel 16 for greater integrity.

Allowable Subject Matter

Claims 7-18, 26-30 and 32 are allowed.

Claims 22, 23 and 31 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wagner, Deux *et al.*, Rampe, Obeshaw, Deux *et al.*, German reference '539, Fernandez, Johnson, Liebscher, Zbriger, Miyazawa and Frank disclose various connections utilizing shafts.

Abelsson *et al.* and Hirata *et al.* disclose various wheels mounted to frames spaced from the axis of a shaft.

Salman, Blum *et al.* and Bergstrom disclose cut and drilled tubular members.

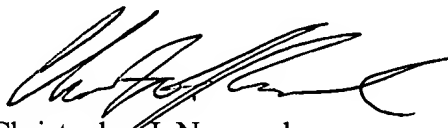
Baechler *et al.* show a spring pin 72.

Guidetti and Coulthard show pneumatic wheels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 703-308-2246. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 703-308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.



Christopher J. Novosad
Primary Examiner
Art Unit 3671

February 13, 2003